

**ASSEMBLY BILL**

**No. 314**

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**Introduced by Assembly Member Gorell**

February 9, 2011

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An act to amend Section 70374 of the Government Code, and to amend Section 10335.7 of the Public Contract Code, relating to court facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 314, as introduced, Gorell. Court facilities.

Existing law designates the Judicial Council as the entity having full responsibility, jurisdiction, control, and authority over trial court facilities for which title is held by the state, including the acquisition and development of facilities, subject to specified requirements, including the requirement that the acquisition and construction of court facilities be subject to the State Building Construction Act of 1955 and the Property Acquisition Law, as provided.

This bill would instead require that contracts pertaining to the acquisition and construction of the court facilities to be subject to the provisions of the Public Contract Code, as provided.

Provisions within the Public Contract Code require bidders to submit specified information under penalty of perjury.

By now requiring bidders for the acquisition and construction of court facilities to execute bids under the Public Contract Code and be subject to criminal prosecution, this bill creates a new crime and thereby imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 70374 of the Government Code is  
2 amended to read:

3 70374. (a) The Judicial Council shall annually recommend to  
4 the Governor and the Legislature the amount proposed to be spent  
5 for projects paid for with moneys in the State Court Facilities  
6 Construction Fund. The use of the appropriated moneys is subject  
7 to subdivision (l) of Section 70391.

8 (b) Acquisition and construction of court facilities shall be  
9 subject to the ~~State Building Construction Act of 1955 (Part 10b~~  
10 ~~(commencing with Section 15800) of Division 3 of Title 2) and~~  
11 ~~the Property Acquisition Law (Part 11 (commencing with Section~~  
12 ~~15850) of Division 3 of Title 2), except that (1) notwithstanding~~  
13 ~~any other provision of law, the Administrative Office of the Courts~~  
14 ~~shall serve as an implementing agency upon approval of the~~  
15 ~~Department of Finance, and (2) the provisions of subdivision (e)~~  
16 ~~shall prevail. Acquisition and construction of facilities are not~~  
17 ~~subject to the provisions of the Public Contract Code, but shall be~~  
18 ~~subject to facilities contracting policies and procedures adopted~~  
19 ~~by the Judicial Council after consultation and review by the~~  
20 ~~Department of Finance provisions of the Public Contract Code.~~

21 (c) Moneys in the State Court Facilities Construction Fund shall  
22 only be used for either of the following:

23 (1) The planning, design, construction, rehabilitation, renovation,  
24 replacement, leasing, or acquisition of court facilities, as defined  
25 by subdivision (d) of Section 70301.

26 (2) The rehabilitation of one or more existing court facilities in  
27 conjunction with the construction, acquisition, or financing of one  
28 or more new court facilities.

29 (d) (1) Except as provided in Section 70374.2 and paragraph  
30 (2) of this subdivision, 25 percent of all moneys collected for the  
31 State Court Facilities Construction Fund from any county shall be  
32 designated for implementation of trial court projects in that county.  
33 The Judicial Council shall determine the local projects after

1 consulting with the trial court in that county and based on the  
2 locally approved trial court facilities master plan for that county.

3 (2) Paragraph (1) shall not apply to moneys that have been  
4 deposited in the Immediate and Critical Needs Account of the State  
5 Court Facilities Construction Fund, established in Section 70371.5.

6 (e) The following provisions shall prevail over provisions of  
7 ~~the State Building Construction Act of 1955 (Part 10b~~  
8 ~~(commencing with Section 15800) of Division 3 of Title 2)~~ *Public*  
9 *Contract Code* in regard to buildings subject to this section.

10 (1) The Administrative Office of the Courts shall be responsible  
11 for the operation, including, but not limited to, the maintenance  
12 and repair, of all court facilities whose title is held by the state.  
13 The operation of buildings under this section shall be the  
14 responsibility of the Judicial Council.

15 (2) Notwithstanding Section 15808.1, the Judicial Council shall  
16 have the responsibility for determining whether a building under  
17 the act shall be located within or outside of an existing public  
18 transit corridor.

19 (3) The buildings under this section are subject to Section  
20 15814.12 concerning cogeneration and alternative energy sources  
21 at the request of, or with the consent of, the Judicial Council. Any  
22 building acquired by the state pursuant to this section on or before  
23 July 1, 2007, is not subject to subdivision (b) of Section 15814.12  
24 concerning the acquisition of cogeneration or alternative energy  
25 equipment if the building, when acquired, already had cogeneration  
26 or alternative energy equipment. Section 15814.17 only applies to  
27 buildings to which the Judicial Council has given its consent under  
28 subdivision (a) of Section 15814.12.

29 SEC. 2. Section 10335.7 of the Public Contract Code is  
30 amended to read:

31 10335.7. "State agency," as used in this article, means every  
32 state office, department, division, bureau, board, or commission,  
33 but does not include the Legislature, the courts, or any agency in  
34 the judicial branch of government. *However, "state agency" does*  
35 *include the courts, or any agency in the judicial branch of*  
36 *government, with respect to contracts pertaining to the acquisition*  
37 *and construction of court facilities.*

38 SEC. 3. No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

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